



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

50 UNITED NATIONS PLAZA
MAIL BOX 1200, ROOM 1545
SAN FRANCISCO, CA 94102

September 29, 2023

David Feliciano
Superintendent
La Mesa-Spring Valley School District
4750 Date Avenue
La Mesa, CA 91942

By email only to: David.Feliciano@lmsvschools.org

Re: La Mesa-Spring Valley School District
OCR Complaint No. 09-22-1473

Dear Superintendent Feliciano:

This letter notifies you of the resolution of the above-referenced complaint to the U.S. Department of Education (the Department), Office for Civil Rights (OCR) against the La Mesa-Spring Valley School District (the District). The Complainant, a parent of a student (the Student) in the District, alleged that the District discriminated against the Student on the basis of sex.¹ Specifically, OCR investigated the following issues:

1. Whether, in [redacted content] 2022, the District failed to respond promptly or responded in a way that was deliberately indifferent to notice of sex-based harassment of the Student at their school; and
2. Whether, in [redacted content] 2022, the District refused to permit the Student and other students to form a Gay-Straight Alliance (GSA) club at their school, while permitting other student-initiated clubs.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to Title IX.

To investigate this complaint, OCR interviewed the Complainant and reviewed documents and other information provided by the Complainant and the District. On August 31, 2022, prior to

¹ OCR previously provided the District with the identity of the Complainant and Student. We are withholding their names from this letter to protect their privacy.

OCR completing its investigation, the District expressed interest in voluntary resolution. Based on the facts gathered to date, and with respect to allegation 1, OCR identified a concern regarding the District's compliance with 34 C.F.R. § 106.44(a), which requires a recipient's Title IX Coordinator to promptly contact a complainant after a report of alleged sex-based harassment and to explain to the complainant the process for filing a formal complaint. OCR also found that the District was not in compliance with 34 C.F.R. § 106.45, which establishes basic requirements for a recipient's grievance process.

Based on the facts gathered to date, OCR is dismissing allegation 2 pursuant to CPM Section 110(d) because OCR has obtained credible information indicating that a GSA club has been initiated at the school and OCR has determined that the fact(s) underlying the allegation(s) are no longer present and OCR has no evidence that the law is violated.²

The legal standards, facts gathered, and the resolution of the legal issues are summarized below.

Issue 1: Whether, in [redacted content] 2022, the District failed to respond promptly or responded in a way that was deliberately indifferent to notice of sex-based harassment of the Student.

Legal Standards

Title IX and its implementing regulation at 34 C.F.R. § 106.31(a) prohibit recipients of Federal financial assistance from subjecting students to discrimination based on sex under any of the recipient's education programs or activities. See 34 C.F.R. § 106.31(a) ("Except as provided elsewhere in this part, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives federal financial assistance.")

Sexual harassment is a form of sex discrimination under Title IX. The regulation at 34 C.F.R. 106.30(a) defines "sexual harassment," in relevant part, as "conduct on the basis of sex" that includes "(2) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity." This definition of sexual harassment may include nonsexual harassment based on sex or sex stereotyping if a reasonable person would determine that the harassment is so severe, pervasive, and objectively offensive that it denies a person equal educational access.³

Once a recipient has actual notice of sexual harassment or allegations thereof in its education program or activity, the regulation at 34 C.F.R. § 106.44(a) requires the recipient to offer

² OCR Case Processing Manual (July 2022): <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

³ See Preamble to the 2020 Title IX regulation governing sexual harassment at 85 Fed. Reg. 30179 ("These final regulations include sexual harassment as unwelcome conduct on the basis of sex that a reasonable person would determine is so severe, pervasive, and objectively offensive that it denies a person equal educational access; this includes but is not limited to unwelcome conduct of a sexual nature, and may consist of unwelcome conduct based on sex or sex stereotyping.); see also *id.* at 30179 (Nothing in these final regulations, or the way that sexual

“supportive measures” to the “complainant.” The regulation defines “complainant” as “an individual who is alleged to be the victim of conduct that could constitute sexual harassment.” The regulation defines “supportive measures” as non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. When the Title IX coordinator, an employee of an elementary or secondary school, or any recipient official with authority to institute corrective measures on behalf of the recipient has actual notice of sexual harassment or allegations thereof, the Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. *See* 34 C.F.R. §106.44(a).

A recipient violates Title IX if: (1) it has actual knowledge of sexual harassment or allegations thereof in one of its education programs or activities and (2) the recipient fails to respond promptly or responds in a manner that is deliberately indifferent (i.e., clearly unreasonable in light of the known circumstances). *See id.* A recipient also violates Title IX if a complainant files a formal complaint of sexual harassment, and the recipient does not follow the specific procedural requirements in the grievance process outlined at 34 C.F.R. §106.45. *See id.*

Facts

During the 2021-2022 academic year, the Student was [redacted content] years old and in [redacted content] grade at the School. According to the Complainant, the Student was assigned male at birth and “came out” as gender non-binary prior to the [redacted content] school year. The Complainant stated that he met with School officials in [redacted content] 2021 to discuss how best to support the Student, including that the Student would use plural pronouns and could use any bathroom in which they felt comfortable. According to the Complainant, the Student chose to use the boys bathroom, which they had used the previous year.

The Complainant told OCR that on [redacted content], 2021, another student (Student G) told the Student that “boys couldn’t wear dresses” and that the Complainant reported the incident to the Principal the next day. According to the Complainant, the Principal had a restorative justice session with the Student and Student G, and the Student was very upset afterwards because Student G had cried following the session.

harassment is defined in § 106.30, precludes a theory of sex stereotyping from underlying unwelcome conduct on the basis of sex that constitutes sexual harassment as defined in § 106.30).

The Complainant stated that during the week of [redacted content], 2022, the Student's teacher informed him that the Student had [redacted content]. According to the Complainant, the Student told him that they were trying to avoid using the boys' bathroom because of a recent incident when other students had tried to climb over the stall wall to watch the Student go to the bathroom ("bathroom incident"). The Complainant told OCR that the Student said that they did not know the other students' names.

On [redacted content], 2022, the Complainant emailed District administrators including the School's Principal, the District's Assistant Superintendent of Educational Services, and the District's Program Manager for Student Supports, whom the District told OCR was the Title IX Coordinator. The email stated that the Student had recently had a [redacted content] in class due to fear of using the student bathroom, and the email asked for a meeting to discuss how supports were being implemented and to discuss if additional ones were necessary. The email did not state that the bathroom incident, specifically, had occurred. The District responded and set a meeting for [redacted content], 2022, which the Complainant, the Assistant Superintendent for Instructional Services, the School's Principal and Social Worker, and the Title IX Coordinator attended.

A few minutes before the start of the [redacted content] meeting, the Complainant emailed the District administrators a list of topics to discuss including that the bathroom incident had occurred; that other students had told the Student that they were not allowed to use the girls bathroom; that the parents of other students had told them to tell the Student that the Student was not allowed to use the girls bathroom; and that the Student did not want to use the nurse's office bathroom because other students would think negatively about the Student. The email stated that the Student was feeling alone and isolated on campus as a result of the bathroom incident. The District told OCR that this email was its first notice of the bathroom incident.

The District stated that during the [redacted content] meeting, the Title IX Coordinator and Principal asked the Complainant if they could speak to the Student about the bathroom incident, including asking if the Student knew who the other students were, and that the Complainant "did not allow [the Student] to share details or identify the students." The District further stated that the Complainant "did not want the investigation to occur." According to the District, the Title IX Coordinator and Principal informed the Complainant that without any factual details – such as when the incident occurred and in which restroom it occurred, and who the other students were – it was unable to investigate further, and that the Complainant responded by clarifying that, "the complaint was not about what might have happened on a particular day, but was rather about harassment generally and the need to educate everyone on campus."

The Complainant told OCR that during the [redacted content] meeting, he told the District administrators about the bathroom incident, including that the Student had said that they were not aware of the other students' names and that he (the Complainant) was not going to pressure the Student to provide names. According to the Complainant, the Principal responded by saying that the District could not do anything about the incident if the Student could not provide them with the names of the other students. The Complainant stated to OCR that he never told the District that he did not want the bathroom incident investigated; that he said that he did not want the Student to be placed in the middle of any investigation that the District initiated, as well as

that he did not want the other students punished, because the Student had been upset by Student G's response to being counseled following the [redacted content] 2021 incident.

The District told OCR that following the [redacted content] meeting, it implemented supportive measures including that the Principal visited every classroom to review bathroom privacy expectations and the consequences of misuse; that staff members provided increased supervision in student bathrooms; and that the Principal checked in with Student daily, in a discrete manner. The District stated that the Student chose to use the nurse's office bathroom for the remainder of the year. On [redacted content], 2022, the Principal emailed the School staff members charged with monitoring the bathrooms; according to the District, they identified a 45-minute period in which the bathrooms would benefit from additional supervision and the Principal authorized it.

On [redacted content], 2022, the District sent a letter to the Complainant listing the supportive measures it had implemented. The letter did not include information about whether or how it investigated the bathroom incident, including whether it responded to the Complainant's report that other students were telling the Student that the Student could not use the girls' restroom. The letter also did not include information explaining the District's process for making a formal complaint of sex-based harassment.

The Complainant told OCR that the District implemented the supportive measures identified above, with the exception of the extra bathroom supervision, which the Complainant stated, "did not happen." As a result, according to the Complainant, the Student felt unsafe using the boys' restroom but also felt "othered" by having to use the nurse's office bathroom. The Complainant further stated that the Student's teacher was already checking in daily with them, and that the Student did not want the daily check-ins with the Principal. On [redacted content], 2022, the Complainant emailed the Title IX Coordinator and stated that he appreciated the Principal's attempts to provide better bathroom supervision, but that the Student was uncomfortable with the daily check-ins by the Principal. The District told OCR that the Principal responded on [redacted content] and stated that she felt the check-ins were necessary to prevent recurrence.

OCR asked the Complainant if the District ever notified him of how to file a formal complaint of sexual harassment under Title IX. The Complainant told OCR that the District did not tell him at the meeting on [redacted content], or afterwards that he could make a formal complaint about the bathroom incident.

The District told OCR that at the time of the Complainant's complaint, information about how to make a complaint of sexual harassment was provided to all parents at the start of the school year in required annual parental notifications, which were also posted on the District's website. The District also stated it informed the Complainant as to how to make a complaint during "many previous conversations and meetings" (not related to the bathroom incident). As an example of a previous communication, the District provided OCR with a copy of a letter to the Complainant dated [redacted content], 2021, that explained how to make a complaint of sex-based discrimination.

OCR reviewed the District website and the Title IX-related sections of the parental notifications, specifically, were not retrievable from a search on the District's website, nor from a search on any of the District schools' websites. The District has since updated its website to include

information related to Title IX, such as the identity of and contact information for the District's Title IX Coordinator, the process for making a complaint of "Title IX sexual harassment" using the District's Administrative Regulation ("AR") 5145.71 (Sexual Harassment Complaint Procedures), and that complaints can also be made to OCR.⁴

OCR reviewed AR 5145.71. It states that it is the complaint process for complaints of sexual harassment "as defined in 34 C.F.R. 106.30," and that all other complaints of sexual harassment shall be investigated and resolved pursuant to Board Policy ("BP")/AR 1312.3 (Uniform Complaint Procedures or "UCP").⁵ AR 5145.71 describes the District's complaint investigation process, including the need for a formal signed complaint, that supportive measures are available, that investigators and decision-makers must be free from conflicts and bias. However, it does not include reasonably prompt timeframes for the conclusion of the grievance process; nor does it describe the range of possible disciplinary sanctions or remedies; and it does not state the standard of evidence used as required by 34 C.F.R §106.45(b).

The District also maintains AR 5145.7 (Sexual Harassment), which includes definitions of sexual harassment pursuant to state and federal law; identifies and provides contact information for the District's Title IX Coordinator; includes that complaints can be made to the U.S. Department of Education; and states that the District's complaint process for sexual harassment is AR 5145.71.⁶

[Redacted content].

Analysis

The Title IX regulation at 34 C.F.R. § 106.44(a) provides that once a district has actual notice of alleged sexual harassment, it must respond promptly in a manner that is not deliberately indifferent. This regulation states that "[a] recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances." The regulation at 34 C.F.R. § 106.44(a) further requires a district's Title IX Coordinator to promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, and explain to the complainant the process for filing a formal complaint of sexual harassment. The regulation at 34 C.F.R. 106.45(a) requires investigating allegations of sexual harassment in a formal complaint and dismissing formal complaints where the allegations do not meet the rule's definition of sexual harassment.

Here, the evidence showed that District had actual notice of alleged unwelcome conduct based on sex that could constitute sexual harassment, as defined in the Title IX regulation at 34 C.F.R. § 106.30. On [redacted content], 2022, the Complainant informed the District's Title IX Coordinator by email, as well as during a meeting, that the bathroom incident had occurred. The District also had notice that this conduct was based upon the Student's sex, specifically on their failure to conform to sex stereotypes, for the following reasons. During the [redacted content] school year, the Student had identified as male, used male pronouns, and used the boys restroom. During the [redacted content] school year, the Student identified as nonbinary, used plural pronouns, and continued to use the boys bathroom. The Complainant stated that on [redacted

⁴ See <https://www.lmsvschools.org/complaint-procedures/>.

⁵ See [View Regulation 5145.71: Title IX Sexual Harassment Complaint Procedures \(eboardsolutions.com\)](#).

⁶ [View Regulation 5145.7: Sexual Harassment \(eboardsolutions.com\)](#)

content], 2021, he informed the Principal that Student G had told the Student that he couldn't wear a dress, and the Principal held a restorative justice session with the Student and Student G to address this. On [redacted content], 2022, the Complainant also reported to the District's Title IX Coordinator that at some time earlier in the year, other students had told the Student that the Student could not use the girls bathroom.

The evidence gathered to date indicates that after receiving notice of the bathroom incident on [redacted content], 2022, the District responded promptly by offering supportive measures, as required by the regulation at 34 C.F.R. § 106.44(a). The District stated that the Principal spoke to every class at the School regarding appropriate bathroom conduct, instituted daily check-ins with the Student, and identified a period of time when the bathrooms may not have been adequately supervised and increased oversight. There was also evidence that the District considered the Complainant's wishes with regard to the daily check-ins, even if it did not cease this supportive measure.

However, there was no evidence that the Title IX Coordinator explained to the Complainant, at the time of his report of sex-based harassment on [redacted content], or any time thereafter, how he could make a formal Title IX complaint about the bathroom incident. The Complainant told OCR that he did not know that he could make a Title IX complaint. The District did not state that the Title IX Coordinator had informed the Complainant that he could make a complaint, and the Title IX Coordinator's [redacted content], 2022 letter to the Complainant did not include information about how to make a formal complaint of sex-based harassment. The District provided evidence that it twice informed the Complainant at the start of the 2021-2022 school year of how to make a Title IX complaint, once in the annual notifications, and a second time in a letter dated [redacted content], 2021. Based on the evidence to date, OCR identified a concern that the District was not in compliance with the duty to explain to the Complainant the process for filing a formal complaint of sexual harassment under 34 C.F.R. § 106.44(a).

OCR is concerned that not explaining the formal complaint process to the Complainant may have denied the Complainant the opportunity to have the bathroom incident investigated consistent with the requirements of 34 C.F.R. 106.45. There was, however, conflicting evidence as to whether the Complainant communicated to the District that he wanted the bathroom incident investigated. For example, the Complainant stated to OCR that he wanted the bathroom incident investigated, and that the Title IX Coordinator and other District administrators told him during the [redacted content] meeting that they could not investigate if they did not know the other students' names. The District told OCR that the Complainant stated that he did not want the District to investigate the bathroom incident, and that he would not allow the Student to share details or identify the other students involved, and that in light of these circumstances the District "could not investigate further." The Complainant denied telling the District he did not want the bathroom incident investigated but acknowledged telling the District that he did not want the Student to be placed in the middle of any investigation and that he did not want the other students punished. Had the Complainant filed a formal complaint of sexual harassment with the Title IX coordinator, the Title IX regulation would have required the District to investigate the formal complaint and the investigation could have resulted in discipline of the alleged harassers. Based on the evidence to date, OCR identified a concern about the District's compliance with 34 C.F.R. §106.44(a) because the District had actual notice of sex-based harassment that could meet

the second part of the definition of sexual harassment and did not explain to the Complainant how to file a formal complaint of sexual harassment.

In addition to this concern, OCR determined that the District's sexual harassment complaint procedure (AR 5145.71) is not compliant with the regulation at 34 C.F.R. §106.45 because it does not include reasonably prompt timeframes for the conclusion of the grievance process; nor does it describe the range of possible disciplinary sanctions or remedies; and it does not state the standard of evidence. OCR also identified a concern that, at the time of the complaint, information about Title IX was not available from a search of the District's web site.

Issue 2: Whether the District treated the Student differently on the basis of sex by refusing to permit the Student and other students to form a Gay-Straight Alliance (GSA) club at their school, while permitting other student-initiated clubs.

Legal Standard

Under the Title IX regulations, at 34 C.F.R. § 106.31(a), a district may not treat individuals differently on the basis of sex with regard to any aspect of services, benefits, or opportunities it provides. Section 106.31(b) of the regulation states that, in providing any aid, benefit, or service to a student, a district may not, on the basis of sex:

- i. treat one person differently from another in determining whether such person satisfies any requirement or condition for the provision of an aid, benefit, or service;
- ii. provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
- iii. deny any person such aid, benefit, or service;
- iv. subject any person to separate or different rules of behavior, sanctions, or other treatment; [...]
- vii. otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

To determine whether a district has discriminated against a student on the basis of sex under Title IX, OCR investigates whether the student was treated differently than students of the other sex under similar circumstances, and whether the treatment has resulted in the denial or limitation of education services, benefits, or opportunities. If there is such evidence, OCR examines whether the district provided a legitimate, nondiscriminatory reason for its actions and whether there is evidence that the stated reason is a pretext for discrimination. For OCR to find a violation, the preponderance of the evidence must establish that the district's actions were based on the student's sex.

Facts

Here, the Complainant stated that after the bathroom incident, the Student felt isolated at the School and expressed interest in participating in a "Gay Straight Alliance" (GSA) student club, but that the School did not have one. The Complainant stated that a District [redacted content] school had a GSA club called the "[redacted content]," and that during the [redacted content], 2022 meeting, he asked the District to start a [redacted content] at the School; the list of topics

the Complainant emailed to the District prior to the meeting included that the District “must start a [redacted content] at the School by [redacted content].” The Complainant told OCR that the Title IX Coordinator informed him at the [redacted content] meeting that, per District policy, student clubs could be initiated only by students and not by parents or staff; and that the Title IX Coordinator did not facilitate the formation of the club for the remainder of the 2021-2022 academic year, despite students’ requests to do so.

More specifically, according to the Complainant, after the [redacted content] meeting, two [redacted content] students asked a District employee to help them start a [redacted content]. The Complainant stated that the Students and staff member met with the Title IX Coordinator and requested the club; and that the Title IX Coordinator responded that the club could be formed, but that only [redacted content] grade students could join; that parental permission would be needed; and that it could only meet during and not after school or during lunchtime. The Complainant told OCR that these restrictions were not placed on other student clubs at the School.

The District told OCR that it “permitted and supported the formation of a GSA club consistent with the policies for the establishment of all clubs” and that it did not treat the formation of the club differently than other non-LGBTQ student clubs.

OCR reviewed information provided by the Complainant and the District. On [redacted content], the Student’s mother emailed the Title IX Coordinator and requested information about how to start a [redacted content], as well as the name of the staff member advising the club at the [redacted content] school. On [redacted content], the Title IX Coordinator responded with the name of leader; she also stated that the District’s policy about the student club formation “was very specific” and attached a copy of the District’s BP 6145.5 (“Student Organizations and Equal Access”). BP 6145.5 states that students wishing to create a student group must first request authorization from the principal and must meet during non-instructional time and cannot meet during lunchtime.⁷ A half hour later, the Title IX Coordinator emailed the Complainant and the Student’s mother a letter regarding the steps the District took to respond to the bathroom incident. The letter included that, “you requested that the school begin a [redacted content] in support of LGBTQIA+ students. Per Board Policy, clubs must be student-initiated, and cannot be recruited or initiated by a staff member. The District cannot comply with this request.”

On [redacted content], the Principal emailed the Title IX Coordinator and informed her that two [redacted content] students had approached the Social Worker to start a [redacted content]; that she knew of a teacher at the School who had volunteered support the club; that the Social Worker had suggested scheduling it during the day; and that the Principal would ensure that whenever it occurred, that student participants would not miss instruction. The Principal asked the Title IX Coordinator, “do you know how we get started?” The Title IX Coordinator responded that the club “cannot happen during the day,” and that she would get back to the Principal with more information the following day. The District did not provide information about whether the Title IX Coordinator did so.

⁷<https://simbli.eboardsolutions.com/Policy/ViewPolicy.aspx?S=36030701&revid=8BV5PiSwbyYHyHHn03OgslshA==&ptid=amIgTZiB9plushNjl6WXhfiOQ==&secid=ruE8yj8gaZHBkLjNHWmKZw==&PG=6&IRP=0>.

On [redacted content], the Principal emailed the Title IX Coordinator that a [redacted content] grader had requested a [redacted content]. The Title IX Coordinator responded that she would inform the School's new Social Worker once someone was assigned to that position.

On [redacted content], 2022, the District told OCR that the School's new social worker met with a student and they decided that the [redacted content] would meet twice a month. On [redacted content], 2022, the Complainant confirmed to OCR that this was the case, as well as that there would be no grade restrictions on club membership.

Analysis and Resolution

CPM Section 110(d) states that OCR will dismiss an allegation where OCR obtains credible information indicating that the allegation has been resolved, and there is no systemic allegation. In such a case, OCR will attempt to ascertain the apparent resolution. When OCR determines that the facts underlying the allegations are no longer present and OCR has no evidence the law is violated, it will close the complaint.

Here, the Complainant alleged that the District refused to permit the Student and other students to form a [redacted content] at their school, while permitting other student-initiated clubs. Evidence provided by the Complainant and District indicated that conversations took place during [redacted content] 2022 about the formation the club, but no final decision was made as to whether and when the club would be formed. In [redacted content] 2022, the District informed OCR that the club had been initiated, and in [redacted content] 2022, the Complaint confirmed this information, as well as that there would be no grade restrictions on club membership. Accordingly, OCR is dismissing this allegation pursuant to CPM Section 110(d) where that the allegation has been resolved, there is no systemic allegation, and no evidence that the law been violated.

Conclusion

This concludes the investigation of this complaint.

To address the District's noncompliance with the Title IX regulation, as well as OCR's concerns identified during the investigation, the District and OCR entered into the enclosed resolution agreement (Agreement). Under the Agreement, the District will explain to the Complainant the process for filing a formal complaint of sex-based harassment; and if the Complainant makes such a complaint, the District will investigate it in compliance with the applicable Title IX regulations. The District also agrees to revise its grievance procedure and provide training on Title IX and the District's grievance procedures for complaints of sex-based harassment to all District staff with responsibility for investigating such complaints; as well as to provide staff with a guidance memo containing information about the District's obligations pursuant to Title IX, the identity of the District's Title IX Coordinator, and information about the District's grievance procedures for addressing complaints of sex-based harassment.

Based on the commitments made in the enclosed resolution agreement, OCR is closing the investigation of this complaint as of the date of this letter and notifying the Complainant concurrently. When fully implemented, the resolution agreement will address OCR's identified

violations and compliance concerns. OCR will monitor the implementation of the resolution agreement until the District is in compliance with the terms of the resolution agreement and the statutes and regulations at issue in the case.

OCR's determination in this matter should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant may have the right to file a lawsuit in federal court whether or not OCR finds a violation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the District may not harass, coerce, intimidate, discriminate, or otherwise retaliate against any individual because they filed a complaint or participated in the complaint resolution process. If this happens, an individual may file a separate complaint alleging retaliation.

Under the Freedom of Information Act (FOIA), it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by the law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of privacy if released.

Thank you for your cooperation in resolving this case. If you have any questions regarding this letter, please contact OCR attorney Matthew Wood at Matthew.Wood@ed.gov.

Sincerely,

/s/

Ava De Almeida Law
Team Leader

ENCLOSURE

cc: Sarah Sutherland, Orbach Huff & Henderson LLP